

REMARKS/ARGUMENTS

Claims 3, 4, 6, 7, 10, 11, 13, 14, 17, 18, 20 and 21 are pending in the present application. Claims 4, 7, 10, 11, 13, 14, 18 and 21 have been amended herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 112, First Paragraph

Claims 3, 4, 6, 7, 10, 11, 13, 14, 17, 18, 20 and 21 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

In rejecting such claims, the Examiner states that the claimed feature of “choosing mission critical twin endpoints from a subset of discovered endpoints which have not been previously specified as twin endpoints” is not described in the Specification. Applicants urge that, to the contrary, this claimed feature is in fact described in the Specification at page 67, line 2 – page 68, line 2 (and in particular page 67, lines 16-19) as depicted in Figures 12A-B. For example, per this feature of Claim 3, mission critical twin endpoints are chosen from a subset, and this subset is a subset of discovered endpoints which have not been previously specified as twin endpoints – i.e. a subset of discovered endpoints that are not specified as twin endpoints. This is exactly what is described, for example, at Specification page 67, lines 16-19 where it states:

“If a twin endpoint has *not* been designated for the mission critical endpoint, **then an array is filled or initialized with all possible endpoints that are not already twin endpoints** (step 1208).”

This array, which is the ‘subset’ recited in Claim 3, is then used for subsequent endpoint processing in *choosing mission critical twin endpoints from such array*, as described at Specification page 67, line 19 – page 68, line 2. Therefore, the claimed feature of “choosing mission critical twin endpoints from a subset of discovered endpoints which have not been previously specified as twin endpoints” is in fact described in the Specification, and thus the rejection of Claim 3 (and dependent Claims 4, 6 and 7) under 35 U.S.C. § 112, first paragraph is in error.

With respect to Claim 10, Applicants have amended such claim to eliminate the objectionable language, and thus the rejection of Claim 10 (and dependent Claims 11, 13 and 14) under 35 U.S.C. § 112 has been overcome.

Applicants traverse the rejection of Claim 17 (and dependent Claims 18, 20 and 21) for similar reasons to those given above with respect to Claim 3.

Therefore, the rejection of Claims 3, 4, 6, 7, 10, 11, 13, 14, 17, 18, 20 and 21 under 35 U.S.C. § 112, first paragraph has been overcome.

II. 35 U.S.C. § 102, Anticipation

Claims 3, 4, 6, 7, 10, 11, 13, 14, 17, 18, 20 and 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chiu et al. [Chiu, 6,597,689 B1]. This rejection is respectfully traversed.

With respect to Claim 3, such claim recites a series of steps that synergistically co-act together to provide a method for managing a distributed data processing system, including providing a mission critical twin endpoint that is associated with each mission critical endpoint, where a mission critical twin endpoint is a discovered endpoint that has a communication history with a mission critical endpoint with which the mission critical twin endpoint is being associated. In rejecting Claim 3, the Examiner cites multiple different, unrelated passages that do not synergistically co-act together to piece-meal reject each individual element in a vacuum in an attempt to establish that the claimed invention is anticipated by the cited reference. This is an improper/impermissible dissection of claimed elements, as the claimed features must instead be considered as a whole and not dissected into individual words or phrases. Taking this claimed feature dissection to its logical conclusion, a dictionary would anticipate every claim that could possibly be presented because each word exists in such a dictionary, which would obviously be an impermissible claim dissection of claimed features. Instead, claimed features must be analyzed as a whole as certain terms of a given claimed feature are modifiers to other terms of the same claimed feature, and dissecting individual elements of a given claimed feature into component pieces analyzed in a vacuum causes these modifiers to lose their linguistic meaning in such a dissected translation.

As but one example of such impermissible dissection of the claimed features, in rejecting the claimed feature of “designating a plurality of discovered endpoints as mission critical endpoints”, the Examiner states that the ‘plurality of discovered endpoints’ are taught by the cited Chiu reference at col. 25, line 60 and that the ‘mission critical endpoints’ are taught by Chiu at col. 35, line 65. Applicants urge that these two passages are distinct and not related to one another, and do not synergistically co-act together such that what is taught at col. 25 (alleged to be a plurality of discovered endpoints) *is designated* to be what is taught at col. 35 (alleged to be mission critical endpoints), and thus does not anticipate this feature of Claim 3. Claim 3 states “*designating* a plurality of discovered endpoints *as* mission critical endpoints”. Specifically, Chiu states at col. 25, line 60:

“a backplane configuration among multiple cards”

whereas at col. 35, line 65 Chiu states:

“the priority levels among these ATM service categories is, from highest to lowest priority, CBR, VBR, ABR, and UBR”.

As can be seen, one cited passage describes hardware cards in a backplane, and the other cited passage describes an unrelated priority scheme among services. Importantly, there is no synergistic linkage between these backplane cards and ATM services. There is certainly no teaching of *designating* the multiple backplane cards *as* ATM services, so even assuming arguendo that one passage taught the equivalent of the claimed discovered endpoints and the other passage taught the equivalent of the claimed mission critical endpoints, there is still no teaching of designating the discovered endpoints as mission critical endpoints as the multiple backplane cards are not designated at all, either as mission critical endpoints (as per the features of Claim 3) or otherwise. This is why the dissection of a claimed feature into individual components is impermissible, and clearly erroneous, as the co-action or modification that linguistically occurs when interpreting the claimed feature as a whole gets linguistically lost when the feature is dissection into piece-meal components interpreted in a vacuum.

For a prior art reference to anticipate in terms of 35 U.S.C. § 102, **every element of the claimed invention must be identically shown in a single reference.** *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) (emphasis added by Applicants). Since every element is not identically shown in a single reference, as shown above, it is respectfully submitted that Claim 3 (and similarly for Claims 4, 6, and 7) has been erroneously rejected under 35 U.S.C. § 102(e).

Further with respect to rejected Claim 4, such claim recites a step of “retrieving an SNMP table from a discovered endpoint”. In rejecting such claim, the Examiner states that such SNMP table retrieval is taught by Chiu at col. 85, lines 15-20. Applicants urge that this cited passage *does not teach anything being retrieved from a discovered endpoint*, either an SNMP table as claimed in Claim 4, or the retrieval of anything else *from a discovered endpoint*. Instead, this cited passage teaches a system administrator or user *making entries into a table* to configure a device, and this information can be sent via an SNMP link for storage in a non-volatile device. This is different from the features of Claim 4 for at least two reasons. First, this passage does not teach the retrieval of anything from a discovered endpoint. Claim 4 explicitly recites “retrieving an SNMP table from a discovered endpoint”. Secondly, this cited passage describes use of an SNMP link for communicating information, and thus does not teach any SNMP table or retrieval thereof. Claim 4 explicitly recites “retrieving an SNMP table from a discovered endpoint”. Thus, it is further urged that Claim 4 is not anticipated by the cited reference as there are yet additional claimed features that are not identically shown in a single reference.

Still further with respect to Claim 4, Applicants again urge that the Examiner is using impermissible dissection of the claimed features into a plurality of individual unrelated pieces, and then using multiple different, unrelated passages that do not synergistically co-act together to piece-meal reject each individual piece in a vacuum in an attempt to establish that the claimed feature as a whole is anticipated by the cited reference. For example, and as described above, the Examiner cites Chiu col. 85, lines 15-20 as teaching the claimed SNMP table, and yet the Examiner cites a totally unrelated passage at col. 81, lines 57-67 as teaching the claimed searching associated with such an SNMP table. The cited Chiu passage at col. 81 is not related to the passage at col. 85 as the components discussed in each of these passages are different from one another. Specifically, the cited Chiu passage at col. 85 describes a system administrator or user *making entries into a table* to configure a device, and this information can be sent via an SNMP link for storage in a non-volatile device. The cited Chiu passage at col. 81 describes a totally unrelated operation pertaining to a *proxy signal table manipulation*. Thus, even assuming arguendo that the Chiu col. 85 passage describes an SNMP table (which it does not, as described above), the passage cited at Chiu col. 81 does not teach or describe any operational steps being performed on such alleged SNMP table, but instead teaches an unrelated proxy signal table manipulation.

The remaining features of Claim 4 are also impermissibly rejected using such piece-meal analysis, as the passage cited in rejecting the claimed ‘associating’ step (Chiu col. 82, lines 1-8) has nothing to do with an address found in an SNMP table. Instead, this cited Chiu passage describes yet another table - a Connect Info table, which is unrelated to the alleged SNMP table of Chiu col. 85. Claim 6 expressly recites “associating the discovered endpoint with the mission critical endpoint in response to finding the address associated with the mission critical endpoint in the SNMP table”. The operations described at the cited Chiu passage at col. 82 have nothing to do with an SNMP table or address found in such a table, and thus the synergistic co-action provided by the features of Claim 4 is not provided or otherwise taught by the cited Chiu reference.

Thus, it has been further shown that Claim 4 has been erroneously rejected as every element recited therein is not identically shown in a single reference.

Further with respect to Claim 6 (and dependent Claim 7), it is urged that the cited reference does not teach the claimed feature of “selecting an endpoint in the subset of discovered endpoints that has a most significant communication history with a particular mission critical endpoint”. In rejecting Claim 6, the Examiner states that this claimed feature is taught by Chiu col. 35, line 65. Applicants urge that there, Chiu states:

“the priority levels among these ATM service categories is, from highest to lowest priority, CBR, VBR, ABR, and UBR”.

While this cited passage may describe the existence of a priority mechanism, such priority mechanism does not describe any endpoint selection process, or an endpoint selection process where an *endpoint* (an endpoint in the subset of discovered endpoints) *is selected based on its communication history with another endpoint* (a particular mission critical endpoint). Thus, it is further urged that Claim 6 (and dependent Claim 7) has been erroneously rejected as there are additional claimed features not taught by the cited Chiu reference.

Applicants traverse the rejection of Claim 10 (and dependent Claims 11, 13 and 14) for similar reasons to those given above with respect to Claim 3. In addition, Claims 10, 11, 13 and 14 have been amended to further emphasize the resulting bandwidth limitation advantages provided by the claimed features recited therein.

With respect to Claim 17 (and dependent Claims 18, 20 and 21), such claim recites a (unitary) computer program product that comprises *all* of the specifically enumerated instructions for performing *all* of the specifically enumerated actions. It is respectfully submitted that the cited Chiu reference does not teach such a unitary computer program product. In rejecting Claim 17, the Examiner merely relies on the reasoning given in rejecting Claim 3 for the sole reason given in rejecting Claim 17. Because Claim 3 does not recite a computer program product that comprises all of the specifically enumerated instructions for performing all of the specifically enumerated actions, such assertion by the Examiner with respect to Claim 3 does not establish that every element recited in Claim 17 is identically shown in a single reference, and in fact Chiu does not teach any type of computer program product that contains *all* of the specifically enumerated instructions for performing *all* of the specifically enumerated actions. Thus, the teachings of Chiu do not anticipate Claim 17.

Applicants further traverse the rejection of Claim 17 (and dependent Claims 18, 20 and 21) for similar reasons to those given above with respect to Claim 3.

Applicants further traverse the rejection of Claim 18 for similar reasons to the further reasons given above with respect to Claim 4.

Applicants further traverse the rejection of Claim 20 (and dependent Claim 21) for similar reasons to the further reasons given above with respect to Claim 6.

Therefore, the rejection of Claims 3, 4, 6, 7, 10, 11, 13, 14, 17, 18, 20 and 21 under 35 U.S.C. § 102 has been overcome.

III. Conclusion

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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